

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 10 - 18 are currently pending in the application. All claims have been rejected.

By the present amendment, claims 10 and 12 have been amended and claim 11 has been cancelled without prejudice.

In the office action mailed March 23, 2006, claims 10 -18 were rejected under 35 U.S.C. 112, second paragraph as being indefinite; and claims 10 - 18 were rejected under 35 U.S.C. 102(b) as being anticipated by German patent document 3904008 A1.

The foregoing rejections are traversed by the instant response.

The rejection on indefiniteness grounds is now moot since the objected to language has been deleted from claim 10.

With respect to the rejection of claims 10 - 18, the present invention is directed to a frying device for cooking portions of foodstuffs and pastries comprising a storage container and a frying drum containing liquefied cooking fat that is connected to the storage container by means of a transportation pipe, the frying drum accommodating a revolving agitator that conveys the cooked portions onto a discharging conveyor chute, and the frying drum being accommodated in a

service drum in such a manner as to be axially displaceable, wherein the frying drum is a hollow cylinder closed on all sides. It is submitted that the cited and applied German patent document does not teach or suggest the subject matter of claim 10. In particular, the German patent document does not teach or suggest accommodating the frying drum in a service drum in a manner as to be axially displaceable. This difference between the claimed invention and the disclosure in the German patent document is significant. By providing an axially displaceable frying drum in the manner set forth in claim 10, one can change the frying liquid without having to clean the frying drum in situ by replacing the frying drum instead of draining the oil therefrom. For this reason, claim 10 as amended is allowable.

Claims 12 - 18 are allowable for the same reasons that claim 10 is allowable and further on their own accord.

With regard to the Examiner's comments about the drawings, a minor amendment has been made to paragraph 0021 of the specification to delete a particular reference numeral not shown in the drawings.

Further, with respect to the Examiner's specification objection, Applicants have previously filed a substitute specification with line and one-half spacing as well as headings. If this is missing from the Examiner's file, please let the undersigned attorney know and another copy will be forwarded to you.

There being no other objections and/or rejections, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

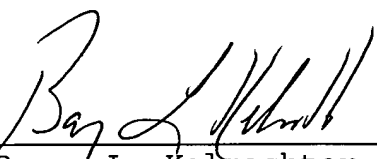
A three month extension of time and a check in the amount of \$510.00 to cover the extension of time fee are enclosed herewith. Should the Director determine that an additional fee

is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,

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I, Karen M. Gill, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on September 20, 2006.

